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UNITED STATES PATENT & TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL
PROPERTY AND DIRECTOR OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE
Washington, D.C. 20231

Tarolli, Sundheim, Covell, Tummino & Szabo, LLP
1111 Leader Building
526 Superior Avenue
Cleveland, OH 44114-1400

MAILED

JAN - 2 2003

Office of the Director
Group 3600

In re application of :
Ralph Frisch :
Application No. 09/676,237 :
Filed: September 29, 2000 :
For: FASTENER FOR SECURING :
A GAS BAG MODULE TO A :
STEERING WHEEL :

DECISION ON RENEWED
PETITION TO WITHDRAW THE
HOLDING OF ABANDONMENT

This is in reply to the renewed petition to withdraw the holding of abandonment filed in the United States Patent and Trademark Office (USPTO) on October 30, 2002. No fee is required for this petition.

The petition is **GRANTED**.

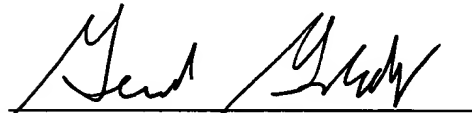
A review of the file record reveals that an Office action was mailed on January 3, 2002. Since no response to the January 3, 2002 Office action was received, the application was held abandoned in the Notice of Abandonment mailed October 21, 2002.

A Petition to Withdraw the Holding of Abandonment was filed on September 10, 2002 and September 20, 2002, wherein applicant alleged non-receipt of the Office action Mailed January 3, 2002. That petition was dismissed in a decision mailed October 10, 2002, wherein it was held that the evidence of non-receipt of the Office action was insufficient.

The renewed petition filed on October 30, 2002, includes a copy of the docket report which shows where the non-received Office action would have been entered had it been received for the time period in question and a statement attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. This is considered adequate proof of non-receipt of the Office action mailed January 3, 2002. Therefore, the petition is granted.

The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to re-mail and re-date the Office action of January 3, 2002 based on the reasoning in the case of *Delgar v. Schuyler*, 172 USPQ 513.

Since no fee is required for this petition, the \$130.00 included with the petition will be refunded to Deposit Account 20-0090.



Gerald Goldberg, Director
Patent Technology Center 3600
(703) 308-1134
Facsimile No.: (703) 308-2177

kjd:12/23/02

